IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.

CHAMBER SUMMONS No.1529 of 2004.
IN

EXECUTION APPLICATION No. 248 of 2002

IN

SUMMARY SUIT No.311 of 1999.

M/s. Searock Enterprises Pvt.Ltd.
..Plaintiff.

V/s.

Mr. Ravinder Singh & Ors. ..Defendants.

Mr. R. R. Sharma i/b. Vidhyashankar Yadav for Applicant.

Mr. Palekar i/b. Lamba & Co. for Respondent No.2.

CORAM: S.C.DHARMADHIKARI,J.
DATED: 9TH AUGUST,2006.

P.C.:-

1] This Chamber Summons is taken out for the following reliefs;

a] "The settlement dated 28th February, 2004 be taken on record and the decree in the above suit be marked

satisfied"

b] "Pending the hearing and final disposal of this Chamber Summons, further proceedings in Execution Application be stayed"

c] "Interim and Ad-interim reliefs in terms of prayers (b) above;"

d] "Costs of the Chamber Summons be provided to Defendant No.2".

e] " Such further and other reliefs as the nature and circumstances of the case may require be granted to Defendant No.2."

2] After this Chamber Summons was argued for some time, it was adjourned for settlement. The specific case of the Decree Holder is that it had not agreed to accept the amount forwarded in full and final settlement of the Decree passed in its favour.

3] After this Chamber Summons was argued for some time, it was adjourned to enable parties to settle the matter.

4] Today, the Defendant No.2 is present in person. His Advocate Mr. Palekar upon instructions from him, makes a statement that second Defendant would pay sum of Rupees Four Lakhs on or before 31st August, 2006. Mr. Palekar upon further instructions makes a statement that in default this Chamber Summons would then automatically stand dismissed and the second Defendant is willing and agreeable this course of action. Even the Decree-Holder has consented to the same.

5] Accordingly, if the amount of Rupees Four Lakhs paid on or before 31st August, 2006 it shall be accepted as full and final settlement by the Decree Holder and thereupon the Decree shall be marked satisfied and the Execution Application would stand dismissed for want of prosecution. In default the Chamber Summons to stand dismissed and the

Decree Holder would be entitled to recover the amount under the Decree in accordance with law.

6] In the light of the order passed today, Chamber Summons No. 1622 of 2003 would not survive and stands disposed of accordingly.

[S.C. DHARMADHIKARI,J]